REMARKS / ARGUMENTS

For the convenience of the Examiner and clarity of purpose, Applicant has reprinted the substance of the Office Action in ***10-point bolded and italicized font***. Applicant's arguments immediately follow in regular font.

> ***Claims 1-19 and 22-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant claims a cable support device mounted to at least one of the expansion channels such that a cable supported by the cable support device is situated in the expanded section of the enclosure. The specification teaches that the support is for routing the cables through the expanded section and into the enclosure wherein the cable is situated, See page 4, lines 10-31 of specification. The claims suggest that the cables are stored in the expanded section, but the specification teaches that the support device is for directing the cable into the enclosure where it is stored.***

Applicant understands this rejection to equate the meaning of the claim term "situated" with the meaning of the word "stored," and to equate "situated" with the opposite of "routed" as used in the specification. Applicants respectfully traverse this rejection.

First, an ordinary and customary meaning of "situated" is "1: having a site, situation, or location: LOCATED." See Merriam-Webster OnLine dictionary (www.m-w.com). Second, the specification provides several descriptions of cables being located, or placed (i.e., "situated,") in the expanded section of the enclosure housing, so that the main portion of the enclosure is saved for electronic equipment. For example, the specification teaches,

> "The vertical cable rings 69 of the left expansion channel 26a allow the user to place the cables outside the coveted enclosure space, vertically support the cables along the length of the expansion channel 26a and optimize cable routing and ***placement***."

Specification at p. 7, ll. 24-27 (emphasis added). Applicant submits that the specification clearly teaches that cable may be placed, located, situated, supported, etc… by a cable support device mounted to an expansion channel. While the cable may terminate in the enclosure, a portion of its exists in or on the cable support device. Thus, the claim term "situated" accurately describes an embodiment disclosed in the specification.

MPEP 2163 states that "a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." (citations omitted). In *Union Oil of California v. Atlantic Richfield Co. et al.*, the Federal Circuit stated

> The written description requirement does not require the applicant to describe exactly the subject matter claimed, [instead] the description must clearly allow persons of ordinary skill in the art to recognize that [he or she] invented what is claimed.

208 F.3d 989, 997 (Fed. Cir., 2000) (citation omitted). Applicants respectfully submit the specification complies with the written description requirement and, therefore, respectfully requests that the rejection under 35 USC 112, first paragraph, be withdrawn.

> ***Claims 1-12, 14-19, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike (5,544,012) in view of Nicolai et al (6,791,027). Koike discloses an enclosure (10) housing electronic equipment and includes a frame structure having a plurality of frame members (SEE Figure 3), a first and second expansion channels (16, 17) coupled to each side of the housing and form expanded sections of the housing, Koike furthermore discloses the use of a cooling system with a fan assembly for cooling inside the enclosure. Koike however does not teach that a cable support device mounted to the expansion channels support and position cable within the expansion section. Nicolai et al teaches an enclosure housing electronic equipment including an expansion section (40 and also door 60) wherein cables which are led into and enclosed by the wall element (40) and are fastened within the wall element (SEE column 3, line 26— column 4, line 41) (ie: they are positioned within the enclosure), the wall element has openings (40.1), a cover plate (40.4), the***

> ***hinged door (60) has an observation window (ie: it's transparent). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified the enclosure having the expansion channels of Koike by substituting the expansion channel wall element as taught by Nicolai et al for the purpose of placing the cables outside of the main enclosure space. Note, cable rings, Velcro straps are well known support for cables in computer cabinets, and to provide the enclosure of Koike in view of Nicolai et al with this type of support/fastening structure would have been obvious to a person of ordinary skill in the art.***
>
> ***With regard to claims 6-11, Official Notice is taken that it is well known in the art to relocate fans to exhaust ports of Koike if exhausting waste gas is desired and alternatively using the fan as an air intake fan by reversing the fan if drawing in air is desired.***
>
> ***With regard to claim 12 which is unpatentable over Koike in view of the Official Notice of claim 11, and further in view of Kipka et al (6,776,706). Koike in view of Nicolai et al discloses the applicants primary inventive concept but does not specifically recite the use of a filter mounted within the fan cover plate. Kipka (6,776,706) teaches that it is well known in the art to provide a filter within the fan cover plate (SEE columne 3, lines 42-49). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified the fan assembly of Koike by including a filter as taught by Kipka et al for the purpose of purifying the air that flows into and out of the enclosure.***

Applicants respectfully traverse these rejections.

First, Koike is directed to "a cooling method, a cooling system and a fan apparatus for cooling an electronic apparatus with air streams." Koike at col. 1, ll. 8-10. To that end, Koike teaches a box body 10 that is closed by a front cover 16. "An air suction port 16a is formed in substantially the entire surface of the front cover 16." Col. 6, ll. 35-39. Koike does not appear to be directed to cable support or routing – in fact, the term ***cable*** is not used in the Koike disclosure.

The Office admits that Koike fails to teach "that a cable support device mounted to the expansion channels support and position cable within the expansion section." The Office then goes on to suggest modifying Koike "by substituting the expansion channel wall element as taught by Nicolai et al for the purpose of placing the cables outside of the main enclosure space."

It is well accepted that there must be motivation to combine references to establish *prima facie* obviousness. MPEP 2143.01 notes, "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." (Citing *In re Gordon,* 733 F.2d 900 (Fed. Cir. 1984)). Further, "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." (Citing *In re Ratti*, 270 F.2d 810 (CCPA 1959))

Figure 3 of Koike, which is reproduced below.

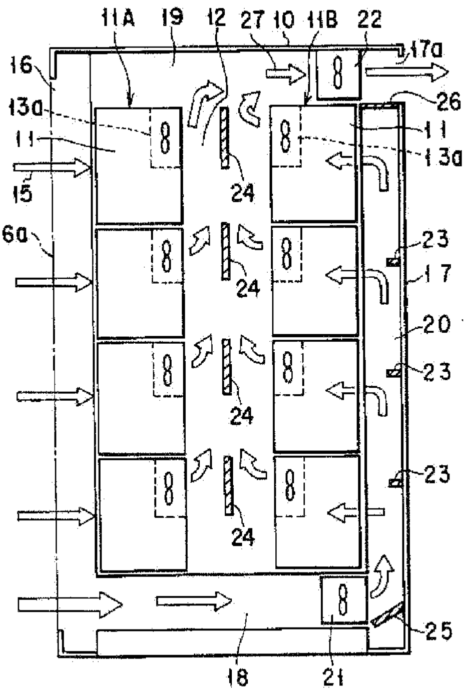

FIG. 3

Regarding Figure 3, Koike discloses,

> Air streams introduced from the suction port 16a in the front cover 16 pass through the modules 11 of the front-side device module 11A and also pass through the modules 11 of the rear-side device module 11B via the horizontal duct 18, rear-side vertical duct 20 and orientation plates 23. The air streams 15 coming out of the front-side and rear-side device modules 11 are made confluent in the vicinity of the rear cover 17, without interfering with each other in the center region of the box body 10 by virtue of the partition plates 24 situated in the respective stages of the modules 11.

Thus, the front and rear covers 16, 17 are required by Koike to route air streams to the box body 10, and this appears to be the only purpose disclosed in Koike for the front and rear covers. Figure 3 of Koike does not appear to show any openings through which cables could be introduced into the front or rear covers. Modifying Koike based on the teachings of Nicolai as suggested by the Office would likely render the front and rear covers 16, 17 of Koike unsuitable for their intended purpose of routing air streams through the box body 10 in a very specific manner. Applicants contend that there is no motivation to combine Koike and Nicolai in this manner and that even if there were, such combination would be non-functional as described above. Thus, Applicants contend that the Office has not made out a *prima facie* case of unpatentability of claims 1 or 23. No amendments have been made to claims 1 or 23 in response to these rejections. Reconsideration and withdrawal of these rejections is respectfully requested.

> ***Claims 13, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike (5,544,012) in view of Nicolai et al (6,791,027) as applied to claims 1-12, 14-19 and 22-24 above, and further in view of Edfors et al (3,691,432). Koike in view of Nicolai et al discloses the applicants primary inventive concept but the use of a power strip mounted to an interior surface of the expansion channel is not taught. Edfors et al teaches that it is known in the art to provide a computer enclosure with a power strip and the cable rail***

> ***with ring as set forth at column 5, Lines 22-61. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified the computer enclosure as taught by Koike in view of Nicolai et al by including the power configuration, including cable rails as taught by Edfors et al for the purpose of providing power to the enclosure for electronic equipment.***
>
> ***Claims 25 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike (5544,012) in view of Nicolai et al as applied to claims 23 & 24 above, and further in view of Spinazzola et al (6,745,579). Koike in view of Nicolai et al discloses the applicants primary inventive concept as stated above, but does not specifically recite an air duct connected to the fan. Spinazzola et al teaches in column 3, lines 17-27 a computer casing with a duct (24) having computer case fans (24b and 24c). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified Koike in view of Nicolai by providing a duct with an opening for accommodating a fan as taught by Spinazzola et al for the purpose of exhausting air within the enclosure, to a surrounding area.***

Claims 2-19, 22 and 24 – 28 depend from claims 1 and 23 and are patentable over the cited prior art for at least the reasons discussed above for claims 1 and 23. No amendments have been made to claims 2-19, 22 and 24 – 28 in response to these rejections. Reconsideration and withdrawal of these rejections is respectfully requested.

OTHER AMENDMENTS

For reasons unrelated to any claim rejection, Applicant has chosen to amend claims to more particularly point and distinctly claim certain aspects of the disclosed inventions. These amendments may or may not be narrowing in scope and are not being made for patentability reasons.

CONCLUSION

Claims 1-19 and 22-28 are currently pending in this application, with claims all claims being rejected. Claims 1, 2, 12, 13, 23 - 26 have been amended herein for reasons unrelated to patentability and Applicant submits that each claim presented herein is patentable. A timely notice of allowance is respectfully requested.

The Commissioner is authorized to charge to deposit account 12-1322/021944-067US any other fees necessary to make this and related papers, if any, timely and effective.

Applicants thank the Examiner for his consideration and effort on this file. If there are any questions or if additional information is needed, the Examiner is invited to telephone or email the undersigned.

Respectfully submitted,

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